

INFORMATION FOR THE PRESS

United States Department of Agriculture

Release - Immediate

WASHINGTON, D. C., September 28, 1938

OHIO MAN IS FINED \$1,500
FOR CONSPIRACY TO VIOLATE
MIGRATORY BIRD TREATY ACT

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Charles Nielsen, Venice, Ohio, has been fined \$1,500 and costs by the Federal Court At Toledo, Ohio, for conspiracy to violate the Migratory Bird Treaty Act by placing feed or bait for wild ducks on a commercial hunting marsh that he and several other men operated near Lake Erie.

Nielsen's two brothers, Cyrus and Clarence, his nephew Chester Nielsen, and his brother-in-law Albert Krueger, Jr., who were indicted by a Federal grand jury on the same charge, were fined \$100 each and costs. They also were sentenced to six months each in jail but afterwards placed on probation for five years.

Charles Nielsen was sentenced to a year and a day imprisonment, but this was suspended by the court upon payment of the fine and costs. The defendant, however, was placed under probation five years and ordered to report monthly to U. S. Game Management Agent Fred Brint, Sylvania, Ohio.

Conditions of Nielsen's probation are that he may not use the marsh for commercial purposes for three years, is barred from managing any marsh for three years, must dispose of any wild duck decoys he possesses and may not handle any others for three years, must remove dams built on his property for flooding any growing crops and refrain from flooding any part of the property during his probation, and that any lease of the marsh he now owns or operates shall not permit the erection of blinds in any flooded grain fields.

"With the heavy punishment meted out in the Nielsen case, game management agents of the Biological Survey should find it easier to command respect for the Migratory Bird Treaty Act," says W. E. Crouch, chief of the Survey's Division of Game Management. "Last year the agents experienced trouble in trying to break up the illegal practice of baiting on some of the Lake Erie marshes."

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466-39

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|---------------------------|---|-------------------|
| United States of America, | : | |
| | : | |
| Plaintiff, | : | No. 8179 Criminal |
| | : | |
| vs | : | <u>O R D E R</u> |
| | : | |
| Charles Nielsen, et al., | : | |
| | : | |
| Defendants. | : | |

The defendant, Charles Nielsen, having made his appearance and having entered a plea of guilty to the indictment herein;

THEREFORE, IT IS ORDERED that the said Charles Nielsen be, and he is hereby sentenced to serve a period of one (1) year and one (1) day imprisonment, and to pay a fine of Fifteen Hundred Dollars (\$1500.00) and costs.

IT IS FURTHER ORDERED that the execution of said sentence be suspended and that the said Charles Nielsen be admitted to probation at once for five (5) years, and that Fred Brint, U. S. Game Management Agent, Sylvania, Ohio, be designated as Probation Officer;

IT IS FURTHER ORDERED that the defendant Charles Nielsen report either in person or by mail on the first of each month for a period of five (5) years, beginning October 1st, 1938, to the Probation Officer at Sylvania, Ohio.

IT IS FURTHER ORDERED that the defendant Charles Nielsen observe the following orders:

First. That he discontinue the use of his marsh in Erie County, and any marsh, directly or indirectly, owned and controlled by him as a commercial marsh, for a period of three years.

Second. That he be barred from participating, directly or indirectly, in the management of any marsh for a period of three years.

Third. That he immediately dispose of all wild duck decoys now owned by him, and that he be prohibited from owning or controlling wild ducks for a period of three years.

Fourth. That he immediately proceed to remove the dams which have been constructed on his property for the purpose of flooding any crops growing thereon, and that for the period of his probation, assuming that his fine and costs are paid and that he is placed on probation, he refrain from flooding any portion of the property owned by him.

Fifth. That in the event of any marsh now owned or operated by him, such lease shall contain a provision that no blinds shall be erected in any area where fields of grain have been flooded.

Sixth. That he abstain from any and all law violations. Upon the breach of any of the foregoing terms, his probation shall cease and he shall be brought before the Court for further proceedings in accordance with law.

(SIGNED) FRANK L. KLOEB
United States District Judge

Approved:

(signed) GERALD P. OPENLANDER
Assistant United States Attorney.

I, Charles Nielsen, defendant in the above-entitled matter, solemnly promise to observe the conditions of the above probation, and to conduct myself in a law-abiding and proper manner in every respect.

A True Copy of the Original

Filed Sept. 19, 1938

Attest: C.B. Watkins, Clerk,

(SIGNED) CHARLES NIELSEN
Charles Nielsen.

By Ray Livingston
Deputy Clerk

Dated Sept. 19, 1938
Toledo, Ohio.